

the top 1 percent of Americans will see an income boost of zero percent. As I said, God bless them, but they are doing fine already. They are doing fine already.

And we have heard a lot about how the American Rescue Plan will prime the American economy to come roaring back. Economists are already projecting that economic growth could double as a result of the American Rescue Plan. When over 75–85, I think it is—percent of Americans get some checks, the money goes out. It starts revitalizing our economy. People shop in the stores, eat at the restaurants, even begin to travel and see their relatives, maybe, for the first time if people are vaccinated.

Wow, this is great news. This is great news. I think that America is turning the corner, and I think the attitude of Americans is turning the corner as well. People now see a brighter future for this country and their regions.

Today, though, as I said, there is so much in this bill that, every day, I want to focus on something else that may not be focused upon. Since the Senate is set to vote on the confirmation of the new SBA Administrator, today is a good opportunity to expand on just how the American Rescue Plan will help our Nation's 30 million small businesses.

We all know that small businesses have been some of the hardest hit entities by the pandemic. Early in the crisis, 80 percent of small businesses—four out of five—reported having to close their doors at one point. Just the other day, I heard of a local New York business owner who was forced to close up shop after surviving most of the pandemic. You could hear the pain in his voice. He poured his entire soul into this business. I know. This hits home for me.

My dad was a small business man. He struggled. He had a little exterminating business all through my growing years—from the day I was born until the day I left the house. My brother, sister, and I still have vivid memories of Dad's pacing the floor on Sunday nights at 2 a.m. because he hated going to work on Monday morning—so many challenges, so much thrown at him, and not much he could do about it. He was wondering how he would actually provide for his family. Praise God, he retired at around 70. He is now 97. He has been a happy man for these last 27 years. God is good, as the Presiding Officer knows better than most of us, but he struggled.

So, when I hear about the anguish of small business people, I will never forget. I would work there sometimes—weekends, summers. He sent me out to collect checks from a landlord who had had three or four smaller buildings, and my dad's company had done the exterminating. The guy hadn't paid for 6 months. I traveled, and it took me about an hour to an hour and a half on two buses to get to this man's door. I knocked. He opened the door.

I said, you know: I am CHUCK SCHUMER, the son of Abe Schumer of Century Exterminating. You owe us 6 months. We have been doing a good job of exterminating your house.

Do you know what he said to me?

Your dad is a small business man. He can't afford a lawyer. He can't afford anything to go after me. I am not paying.

This is the anguish that small business people face, so we need to help them. We need to help them.

That is one of the many reasons I am so proud of the American Rescue Plan—because it provides tens of billions of dollars in support for small businesses that have suffered during the pandemic. The American Rescue Plan is nothing short of a lifeline for Main Street businesses from one end of this country to the other: Main Street businesses in rural America, Main Street businesses in suburban America, and Main Street businesses in urban America and in our inner cities. It is a lifeline.

For starters, the American Rescue Plan provides \$30 billion for restaurants and bars through the RESTAURANTS Act—the first bipartisan amendment added to the bill—sponsored by Senators SINEMA and WICKER.

The American Rescue Plan also includes more than \$1 billion in additional support for our Nation's small theaters and venues, adding to a grant program I helped create in December called the Save our Stages Act. These independent art venues, restaurants, and places like that—churches—are the hardest hit because that is where people gather. When they are not gathering, there is no income whether it be the money they pay the small business, the checks they pay at the restaurants or the money they leave on the collection plates, when they are not there, in our religious institutions. So this is a good thing.

I want to say one more thing about Save our Stages. It not only includes more money for Save our Stages; it includes an amendment I authored to allow venue owners to apply for aid through Save our Stages without losing eligibility for traditional small business grants through the PPP. So that is a change that our arts institutions and our independent venues and theaters should know—that they could get both the PPP and Save our Stages.

Now, these venues, the small businesses of many types, the nonprofits, they are the lifeblood of our communities. They were the first to close; they will be the last to open.

I am hopeful that the support we passed in the American Rescue Plan will help our small businesses, our theaters, our music venues, and our restaurants to hold on until we can all gather safely once again.

That is not all. The American Rescue Plan provides \$15 billion in flexible, targeted grants to help small businesses that have had a hard time accessing relief over the last 12 months,

including most nonprofits and churches. Up to 90 percent of minority-owned small businesses will qualify for this funding, closing the racial gap and keeping local economies from deteriorating further.

We invest \$10 billion in State, local, and Tribal small business financing programs.

We expand the employee retention tax credit so that businesses of any size can more easily keep their workers on the payroll because that one doesn't have an employee number limit.

Finally, we bolstered and expanded the popular Paycheck Protection Program to include more nonprofits, including labor and agricultural organizations that unfortunately, in December, our Republican colleagues wouldn't let in.

In a nutshell, the American Rescue Plan provides a colossal boost for our Nation's small businesses and will make sure that all of them, not just those with the right connections, can access relief. It will help millions of Americans keep their jobs, retain their incomes, and support their families during this recovery.

Now, we know many of these businesses are not out of the woods yet. There is still some time until our country can fully open up, until families eat inside their favorite restaurant or colleagues can meet at a bar for happy hour, until we can see one of our favorite performers put on a concert. But we are already seeing signs of hope.

As a Washington Post headline announced recently, "Companies are scaling back layoffs because of [the American Rescue Plan]." Let me say that again, proudly and happily. "Companies are scaling back layoffs because of [the American Rescue Plan]," and the Senate, I assure the American people, is going to keep working to make sure that the support for our businesses remains intact over the next few months.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

FILIBUSTER

Mr. MCCONNELL. Mr. President, today I would like to begin with a few quotations.

The legislative filibuster . . . is the most important distinction between the Senate and the House. Without the 60-vote threshold for legislation, the Senate becomes a majoritarian institution like the House, much more subject to the whims of short-term electoral change. No Senator would like to see that happen. So let's find a way to further protect the 60-vote rule for legislation.

That was the current Democratic leader, Senator SCHUMER, in April of 2017, less than 4 years ago.

Now, here is another quote, Mr. President:

What about [the] nuclear option doing away with the filibuster?

I can tell you that would be the end of the Senate as it was originally devised and created going back to our Founding Fathers. We have to acknowledge our respect for the minority, and that is what the Senate tries to do in its composition and in its procedure.

That was the assistant Democratic leader, Senator DURBIN, in 2018, about 3 years ago.

A few years ago, 33 Members of the Democratic side signed a letter insisting that “we preserve existing rules, practices, and traditions” regarding legislation. Now, under pressure from the outside, many of our Democratic colleagues are abandoning their stated principles as fast as possible.

Yesterday, Senator DURBIN said the filibuster is not a core principle but “an offhanded clerical suggestion.” An offhanded clerical suggestion.

A number of Senate Democrats are trying to pressure the senior Senators from West Virginia and Arizona to abandon their own very recent commitments to honor this central rule of the Senate.

The Framers designed the Senate to require deliberation, to force cooperation, and to ensure that Federal laws in our big, diverse country earn broad enough buy-in to receive the lasting consent of the government. James Madison said the Senate should be a “complicated check” against “improper acts of legislation.” Thomas Jefferson said that “great innovations should not be forced on slender majorities.”

Senate Democrats parroted all these arguments when they were the ones benefiting from minority protection. When President Trump pressed Republicans to kill the filibuster, our Democratic colleagues cried foul. When our Republican majority stood on principle and refused to wreck the rules, our Democratic colleagues happily used the filibuster themselves. In some cases, they flat-out blocked legislation, like Senator TIM SCOTT’s police reform bill. In many other cases, Democrats did what minority parties always do and leveraged the existence of the filibuster to influence must-pass legislation long before it got to the floor.

There is so much emphasis on the most extreme bills that either party might pass with a simple majority. People forget that the Senate’s 60-vote threshold is the only reason—the only reason—that any routine, must-pass legislation is bipartisan except during divided government. Big funding deals, appropriations bills, farm bills, highway bills, the NDAA—the Senate’s 60-vote threshold backstops all of it. It is not just about controversial items; it is about everything we do.

The Senate Democrats who are pressuring our colleagues from Arizona and

West Virginia to reverse themselves are not just arguing for some procedural tweak, not a procedural tweak; they are arguing for a radically less stable and less consensus-driven system of government. Forget about enduring laws with broad support; nothing in Federal law would ever be settled.

Does anyone really believe the American people were voting for an entirely new system of government by electing Joe Biden to the White House and a 50-50 Senate? This is a 50-50 Senate. There was no mandate to completely transform America by the American people on November 3. That may be what a few liberal activists want, but does anyone believe that millions of Americans thought that is what they were electing? Of course not.

There is an ironic element to this whole conversation. Some Democratic Senators seem to imagine this would be a tidy tradeoff. If they could just break the rules on a razor-thin majority, sure, it might damage the institution, but then nothing would stand between them and their entire agenda—a new era of fast-track policymaking. But anyone who really knows the Senate knows that is not what would happen.

So let me say this very clearly for all 99 of my colleagues: Nobody serving in this Chamber can even begin—can even begin—to imagine what a completely scorched-earth Senate would look like.

None of us have served 1 minute in the Senate that was completely drained of comity and consent. This is an institution that requires unanimous consent to turn the lights on before noon, to proceed with a garden-variety floor speech, to dispense with the reading of lengthy legislative text, to schedule committee business, and to move even noncontroversial nominees at anything besides a snail’s pace.

So I want our colleagues to imagine a world where every single task—every one of them—requires a physical quorum, which, by the way, the Vice President does not count in determining a quorum. Everything that Democratic Senates did to Presidents Bush and Trump and everything the Republican Senate did to President Obama would be child’s play compared to the disaster that Democrats would create for their own priorities if—if they break the Senate.

So this is not a tradeoff between trampling etiquette but then getting to quickly transform the country. That is a false choice. Even the most basic aspects of our colleagues’ agenda, the most mundane tasks of the Biden Presidency, would actually be harder—harder—not easier for Democrats in a post-nuclear Senate that is 50-50, dead even.

If the Democrats break the rules to kill rule XXII on a 50-50 basis, then we will use every other rule to make tens of millions of Americans’ voices heard. Perhaps the majority would come after the other rules next. Perhaps rule XXII

would just be the first domino of many, until the Senate ceases to be distinct from the House in any respect. This chaos would not open up an express lane to liberal change. It would not open up an express lane for the Biden Presidency to speed into the history books. The Senate would be more like a 100-car pileup—nothing moving.

And then there is the small matter that majorities are actually never permanent. The last time a Democratic leader was trying to start a nuclear exchange, I remember offering a warning. I said my colleagues would regret it a lot sooner than they thought. In just a few years and a few Supreme Court vacancies later, many of my Democratic colleagues said publicly that they did. Touching the hot stove again would yield the same result but even more dramatic.

As soon as Republicans wound up back in the saddle, we wouldn’t just erase every liberal change that hurt the country. We would strengthen America with all kinds of conservative policies, with zero—zero—input from the other side. How about this: nationwide right-to-work for working Americans; defunding Planned Parenthood and sanctuary cities on day one; a whole new era of domestic energy production; sweeping new protections for conscience and the right to life of the unborn; concealed-carry reciprocity in all 50 States and the District of Columbia; and massive hardening of the security on our southern border.

We saw during amendment votes, just days ago, that some commonsense Republican positions actually enjoy more support right now than some of the Democratic committee chairs’ priorities, and this is with them in the majority. So the pendulum would swing both ways, and it would swing hard.

My colleagues and I have refused to kill the Senate for instant gratification. In 2017 and in 2018, I was lobbied to do exactly what Democrats want to do now. A sitting President leaned on me to do it. He tweeted about it. What did I do? I said to the President at that time: No. I said “no” repeatedly, because being a U.S. Senator comes with higher duties than steamrolling any obstacle to short-term power. I meant it. Republicans meant it.

Less than 2 months ago, two of our Democratic colleagues said they mean it too. If they keep their word, we have a bipartisan majority that can put principle first and keep the Senate safe.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH TAX

Mr. THUNE. Mr. President, last week I introduced a bill to permanently repeal the death tax.

I have been pushing to repeal the death tax for a long time because I have seen the consequences the tax can have for family farms and ranches and for family businesses. And I am proud that we protected a lot of family farms and businesses 3 years ago with the Tax Cuts and Jobs Act by doubling the death tax exemption, but the death tax is still a big problem.

First of all, the change we made to the death tax in the Tax Cuts and Jobs Act isn't permanent. The increased exemption level expires at the end of 2025.

Second, Democrats, who are always eager to seize any possible revenue source, have proposed not merely returning the exemption to its previous level but reducing it even further. And that would be a big problem for a lot of family farms and businesses.

The death tax is a fundamentally flawed idea, both in theory and in practice. Every American, of course, has an obligation to pay taxes to help support our government, but there should be a limit to how many times the government can tax you. And death should not be a taxable event.

The money you leave at your death has already been taxed by the government at least once, which makes the death tax double taxation.

People who support the death tax tend to talk as if the death tax only affects the fabulously wealthy, but that isn't the case. Small- and medium-sized businesses, family farms, and ranches spend a lot of time and money on estate planning to avoid being hit by this tax. Farmers and ranchers in my State know, without careful and costly planning, the Federal Government can come around after their death demanding a staggering 40 percent of their taxable estate, and their children won't have the money to pay without risking the farm or the ranch. Why? Well, farming and ranching is often a cash-poor business.

A farmer might, technically, be worth several million dollars, but the vast majority of that is land and farming equipment. Only a small fraction of it is money in the bank.

The Farm Bureau reports that over the past 10 years, the value of farmland has increased by nearly 50 percent. It is completely possible that a farmer's land might have substantially increased in value over the past decade, while his income has barely increased at all or, with commodity prices the past few years, they may have been losing money. In fact, it is perfectly possible that in a bad year, a farm with several million dollars' worth of land might barely break even income-wise.

So what happens when a farmer dies? Well, the Federal Government will claim up to 40 percent of his taxable estate. But his liquid assets—in other words, the cash he has available—will likely not come close to covering the

tax bill from the Federal Government. And so the only thing left for his children to do will be to start selling off farm equipment and land. In some cases, they will be able to keep the farm, just a smaller version of it. In others, they may have to sell off the family farm entirely. The same thing can happen with family-owned businesses.

In the case of a larger family-owned business, the business owner may be worth \$15 or \$20 million, but only a small fraction of that may be money in the bank. The vast majority may be tied up in the business. In that case, when the Federal Government comes around demanding 40 percent of the taxable estate, all the money that that business owner had in the bank won't even come close to covering the tax bill.

To pay the Federal Government, the owner's descendants will have to sell off part or all of the family business. And this can happen again and again.

Think about a business that was started half a century ago and passed down from father to daughter, to grandson. With every death, the Federal Government will have come demanding a big chunk of that estate. By the time you get to the third generation, the business may be struggling to stay afloat if it is still around at all.

I recently read testimony from a business owner who stated that, without death tax reform, the family company will end with him. Why? Because the company will have to be sold to meet the tax bill the Federal Government will hand his descendants. The company has already faced the death tax multiple times in its history and given millions upon millions to the Federal Government. This next death tax bill will be the death blow.

I am proud that Republicans improved the death tax situation for a lot of family farms and businesses by passing estate tax reform in the Tax Cuts and Jobs Act, but doubling the exemption is not enough. There are still family farms and businesses out there that aren't protected from this tax. And in my view, losing even one family farm or ranch or business to the death tax is one too many, not to mention the fact that in less than 5 years, the expanded exemption will expire putting many farms and businesses back in the tax's crosshairs.

Family farms and businesses play a vital role in the economy and in communities. Family farms and ranches are the lifeblood literally of rural communities in South Dakota. They are a source of jobs. They provide support for local businesses. They help build up local schools and local infrastructure. Losing a local farm can hit rural communities very hard.

It is mind-boggling that the Federal Government imposes a tax that punishes all the things we should be encouraging. The death tax punishes hard work. It punishes success. It punishes innovation. "Success" should not be a

dirty word, and families and employees should not be punished because a family has worked hard and built up a successful farm or ranch or business.

On top of all this, the death tax is an inefficient tax that raises a small amount of revenue while placing a very large burden on farmers and ranchers and small business men and women.

Repealing the death tax is an idea that has won bipartisan support in the past, including support from more than one sitting Democratic Senator. I hope it will win bipartisan support in this Congress as well. And I will continue to fight to ensure that no family farm or business has to worry about this punishing tax.

I said it before, and I will say it again: One family farm or business lost is one too many.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER

Mr. DURBIN. Mr. President, it is flattering when the Republican Senate leader comes to the floor and mentions your name, and Senator MCCONNELL did just that this morning.

The issue was the filibuster. Senator MCCONNELL found a quote several years ago where I spoke in favor of the filibuster to protect minority rights in the Senate. It is true. I did say that. It was based on life experience. Having already served in the Senate for a number of years, I came to understand how it evolved as one of the procedures in the Senate.

But I have to say to you that my impression of the filibuster changed, and the reason it changed was none other than the Republican Senate majority leader, now minority leader, Senator MCCONNELL. You see, the filibuster really was created in the Senate through its own rules, as I explained yesterday, and it came to define the Senate in this respect. The Founding Fathers looked to the Senate to provide two representatives—literally, Senators—from each State, regardless of population, so smaller States, back in the original Colonies, like Delaware, would have the same number of Senators as a large State, like Virginia. That was their intention.

So the protection of minority rights was kind of built into the definition of the U.S. Senate, and the filibuster became its manifestation in the daily procedure of the Senate. Under that filibuster, of course, one Senator could stop the debate, or at least slow it